

Notice of Allowability

Application No.

10/725,484

Examiner

Bo Peng

Applicant(s)

TORRES, RAMON A.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 4, 2006.
2. ☒ The allowed claim(s) is/are 1-6 and 10-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5/4/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

1. The examiner of your application in the Patent and Trademark Office has been changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Bo Peng, Art Unit 1648.
2. This Notice of Allowability is in response to the amendment filed on May 4, 2006. Claim 1 was amended, claims 7-9 were canceled, and claims 10-28 were added in the response to the Non-final Action dated on November 10, 2005. Claims 1-6 and 10-28 are pending and allowable.
3. An initialed and dated copy of Applicant's IDS form 1449 filed on May 4, 2006 is attached to the instant Office action.

EXAMINER'S AMENDMENT /

4. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
5. Authorization for this Examiner's Amendment was given in a telephone interview with Attorney Allen Yun on July 13, 2006.
6. Please amend claim 6:

The method of claim 1, wherein said HADDS is ~~another~~ a type of pathological adipose accumulation associated with HADDS syndrome selected from the group consisting of abnormal accumulation of adipose tissue in submandibular ("horse collar"), supraclavicular, pectoral and/or mammary areas, and/or has lipomas (benign encapsulated fatty tumors, either single or multiple), and said patient is a HIV/AIDS patient presenting with one or more of these abnormal features.

7. Claims 1-6 and 10-28 are pending and allowable.

8. The following is an examiner's statement of reasons for allowance:

(1) The objection to the specification, as containing an embedded hyperlink, is **withdrawn** in view of Applicant's argument.

(2) Rejection of claims 1-6 under second paragraph of 35 U. S. C. 112 is **withdrawn** in view of the amendment to the claims and Applicant's argument.

(3) Rejection of claims 1-6 under first paragraph of 35 U. S. C. 112, as failing to comply with the written description requirement, is **withdrawn** in view of the amendment to the claims and Applicant's argument.

(4) Rejection of claims 1-6 under 35 U. S. C. 102(b), as being anticipated by Wilson, is **withdrawn** in view of Applicant's argument.

(5) Rejection of claims 1-6 under 35 U. S. C. 102(b), as being anticipated by Draper et al (US 5,767,124), is **withdrawn** in view of Applicant's argument.

(6) Claims 1-6 and 10-28 are free of prior art of record. The examiner is not aware of any suggestion in the prior art of record that that would point the artisan to the claimed method for treating HIV-associated dysmorphia/dysmetabolic syndrome (HADDS) using human growth hormone releasing hormone (hGHRH) or its fragments, variants, analogs or functional derivatives.

9. Accordingly, claims 1-6 and 10-28 are allowed.

Art Unit: 1648


10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bo Peng, Ph.D. whose telephone number is 571-272-5542. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell, Ph.D. can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Bo Peng, Ph.D.
7/14/06


MARY E. MOSHER, PH.D.
PRIMARY EXAMINER